

**Department of Commerce**

**1307.503**

**Subpart 1306.3—Other Than Full and Open Competition**

**Subpart 1307.3—Contractor versus Government Performance**

**1306.302** Circumstances permitting other than full and open competition.

1307.302 Policy.

**Subpart 1307.5—Inherently Governmental Functions**

**1306.302-5** Authorized or required by statute.

1307.503 Policy.

AUTHORITY: 41 U.S.C. 414; 48 CFR 1.301-1.304.

In accordance with Executive Order 13457, a sole source acquisition may not be justified on the basis of any earmark included in any non-statutory source, except when otherwise required by law or when an earmark meets the criteria for funding set out in Executive Order 13457.

SOURCE: 75 FR 10570, Mar. 8, 2010, unless otherwise noted.

**Subpart 1307.1—Acquisition Plans**

**1306.303** Justifications.

**1307.102** Policy.

In accordance with FAR 7.102, it is the Department's policy to perform acquisition planning and conduct market research in order to promote the acquisition of commercial items and provide for full and open competition.

**1306.303-70** Documentation and legal review of justifications.

The justification for providing for other than full and open competition in accordance with FAR 6.303-2 shall be provided on Form CD-492, *Justification for Other than Full and Open Competition*. If the estimated value of the procurement is over legal review thresholds, concurrence by the Procurement Counsel is required.

**1307.103** Agency-head responsibilities.

The designee authorized as responsible for compliance with FAR 7.103 is set forth in CAM 1301.70.

**1306.304** Approval of the justification.

The designee authorized to approve justifications for other than full and open competition at the dollar thresholds in FAR 6.304 is set forth in CAM 1301.70.

**1307.105** Contents of written acquisition plans.

Information on the contents of Acquisition Plans is set forth in CAM 1307.1

**Subpart 1306.5—Competition Advocates**

**Subpart 1307.3—Contractor versus Government Performance**

**1306.501** Requirement.

The designee authorized to designate a Competition Advocate for the Department and each procuring activity is set forth in CAM 1301.70.

**1307.302** Policy.

The Department's competitive sourcing policy and procedures are set forth in CAM 1307.370.

**Subpart 1307.5—Inherently Governmental Functions**

**PART 1307—ACQUISITION PLANNING**

**1307.503** Policy.

**Subpart 1307.1—Acquisition Plans**

All procurement request packages submitted by program offices to initiate a procurement action for services shall contain a written determination by the designated requirements official that affirms that none of the functions to be performed in the statement of work are inherently governmental. This policy applies to all services other than personal services issued under statutory authority. If the contracting

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1307.102 Policy.

1307.103 Agency head responsibilities.

1307.105 Contents of written acquisition plans.